

# DAILY DIGEST

Vol. 17, No. 224

November 20,1998

\*\*Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

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The following items were adopted at the November 19, 1998, Commission meeting and released later that day.

## NEWS RELEASES

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**\*\*COMMON CARRIER ACTION - FCC ADOPTS PLAN TO RESTRUCTURE ADMINISTRATION OF UNIVERSAL SERVICE MECHANISMS - REPORT NO. CC 98-43 (CC DOCKET NOS 97-21 AND 96-45).** The Commission appointed the Universal Service Administrative Corp. permanent administrator of all forms of federal universal service support as of January 1, 1999. The action responds to Congress's directive that a single entity administer universal service support for rural health care providers and schools and libraries. Action by the Commission November 19, 1998, by 3rd R&O, 4th Order on Recon., 8th Order on Recon. (FCC 98-306). Adopted: November 19, 1998. News Media Contact: Rochelle Cohen (202) 418-0253. CCB Contact: Sharon Webber at (202) 418-7372; TTY: (202) 418-2555. Internet URL:  
[https://www.fcc.gov/Bureaus/Common\\_Carrier/News\\_Releases/1998/nrcc8084.html](https://www.fcc.gov/Bureaus/Common_Carrier/News_Releases/1998/nrcc8084.html)

**INTERNATIONAL ACTION - COMMISSION IMPLEMENTS PUBLIC INTEREST OBLIGATIONS FOR DIRECT BROADCAST SATELLITE SERVICE - REPORT NO. IN 98-59 (MM DOCKET 93-23).** The Commission adopted rules implementing Section 25 of the Cable Television Consumer Protection and Competition Act of 1992, which imposed certain public interest obligations on direct broadcast satellite providers. Action by the Commission November 19, 1998, by R&O (FCC 98-307). Adopted: November 19, 1998. News Media Contact: Rosemary Kimball (202) 418-0500. IB Contact: J.T. Taylor at (202) 418-2113 or Rosalee Chiara at (202) 418-0754. Internet URL:  
[https://www.fcc.gov/Bureaus/International/News\\_Releases/1998/nrin8038.html](https://www.fcc.gov/Bureaus/International/News_Releases/1998/nrin8038.html)

**\*\*MASS MEDIA ACTION - FCC SETS FEE LEVEL FOR SUBSCRIPTION SERVICES USED BY BROADCASTERS ON NEW DIGITAL TV CHANNELS - REPORT NO. MM 98-16.** The FCC adopted rules that require broadcasters to pay a fee of 5% of gross revenues received from ancillary or supplementary uses of the digital television (DTV) spectrum for which they charge subscription fees or other specified compensation. No fees are required for commercial advertising revenues from free over-the-air broadcasting services. Action by the Commission November 19, 1998, by R&O (FCC 98-303). Adopted: November 19, 1998. News Media Contact: David Fiske (202) 418-0500. MMB Contact: Susanna Zwerling at (202) 418-2120. Internet URL:  
[https://www.fcc.gov/Bureaus/Mass\\_Media/News\\_Releases/1998/nrmm8039.wp](https://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1998/nrmm8039.wp)

**MASS MEDIA ACTION - FCC PROPOSES NEW EEO RULES TO MEET LUTHERAN CHURCH COURT CASE CONCERNS - REPORT NO. MM 98-17 (MM DOCKETS 98-204, 96-16).** The FCC proposed new Equal Employment Opportunity rules that would require broadcast licensees to inform women and members of minority groups of job vacancies. Action by the Commission November 19, 1998, by NPRM (FCC 98-305). Adopted: November 19, 1998. News Media Contact: David Fiske (202) 418-0500. MMB Contact: Hope Cooper at (202) 418-1450 or Renee Licht at (202) 418-2600. Internet URL:  
[https://www.fcc.gov/Bureaus/Mass\\_Media/News\\_Releases/1998/nrmm8038.wp](https://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1998/nrmm8038.wp)

**\*\*MASS MEDIA ACTION - FCC LAUNCHES PROCEEDING REGARDING ALLOWING NONCOMMERCIAL EDUCATIONAL TV STATIONS TO USE EXCESS DTV CAPACITY FOR ANCILLARY AND SUPPLEMENTARY SERVICES; ASKS FOR COMMENTS ON LIMITS - REPORT NO. MM 98-18 (MM DOCKET 98-203).** The FCC initiated a proceeding to explore issues associated with allowing noncommercial educational TV stations to use their new Digital Television channels to offer ancillary or supplementary services, including subscription TV, on a remunerative basis. Action by the Commission November 19, 1998, by NPRM (FCC 98-304). Adopted: November 19, 1998. News Media Contact: David Fiske (202) 418-0500. MMB Contact: Jane Gross at (202) 418-2130. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/News\\_Releases/1998/nrmm8041.wp](https://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1998/nrmm8041.wp)

**GENERAL ACTION - NON-GEOSTATIONARY SATELLITE SERVICES PROPOSED IN THE KU-BAND; EXPANDED SERVICES TO DBS SUBSCRIBERS ALSO CONSIDERED - REPORT GN 98-13 (ET DOCKET 98-206).** The Commission has proposed allowing non-geostationary orbit fixed satellite services to operate on a co-primary basis in the Ku-band. The Commission has also requested comment on a request to allow a terrestrial service to retransmit local television signals and provide data services to direct broadcast satellite subscribers. Action by the Commission November 19, 1998, by NPRM (FCC 98-310). Adopted: November 19, 1998. News Media Contact: Rosemary Kimball (202) 418-0500. OET Contact: OET: Tom Derenge at (202) 418-2451; IB: Jennifer Gilsenan at (202) 418-0757. Internet URL: [https://www.fcc.gov/Bureaus/Engineering\\_Technology/News\\_Releases/1998/nret8016.html](https://www.fcc.gov/Bureaus/Engineering_Technology/News_Releases/1998/nret8016.html)

**ET ACTION - FCC AFFIRMS DECISION TO MAKE MORE SPECTRUM AVAILABLE FOR MOBILE-SATELLITE SERVICE FOR THE 21ST CENTURY; FCC ALSO ADOPTS THIRD NPRM ON PROPOSALS FOR ADDITIONAL SPECTRUM, RELOCATION, AND TRANSITION MECHANISMS - REPORT 98-11 (ET DOCKET 95-18).** The FCC affirmed its previous decision to make more spectrum available to Mobile Satellite Service providers from the year 2000 forward. This spectrum will allow operation of domestic MSS systems and U.S. participation in global MSS systems. Action by the Commission November 19, 1998, by MO&O, 3rd NPRM and Order (FCC 98-309). Adopted: November 19, 1998. News Media Contact: Audrey Spivack (202) 418-0654. OET Contact: Sean White at (202) 418-2453. Internet URL: [https://www.fcc.gov/Bureaus/Engineering\\_Technology/News\\_Releases/1998/nret8017.html](https://www.fcc.gov/Bureaus/Engineering_Technology/News_Releases/1998/nret8017.html)

**WIRELESS TELECOMMUNICATIONS ACTION - FCC INITIATES RE-EVALUATION OF THE CMRS SPECTRUM CAP - SEEKS COMMENT ON CTIA FORBEARANCE PETITION - REPORT NO. WT 98-43 (WT DOCKET NOS. 98-205 AND 96-59, GN DOCKET NO. 93-252).** The Commission adopted a Notice of Proposed Rulemaking to re-evaluate the need for its current spectrum aggregation limits for Commercial Mobile Radio Services as part of its biennial review of the Commission's regulations. The Commission also seeks comment on a petition filed by the Cellular Telecommunications Industry Association requesting that the Commission forbear from enforcing the CMRS spectrum cap. Action by the Commission November 19, 1998, by NPRM (FCC 98-308). Adopted: November 19, 1998. News Media Contact: Meribeth McCarrick (202) 418-0654. WT Contact: David Krech at (202) 418-7240 or Pieter van Leeuwen at (202) 418-0620. Internet URL: [https://www.fcc.gov/Bureaus/Wireless/News\\_Releases/1998/nrwl8046.wp](https://www.fcc.gov/Bureaus/Wireless/News_Releases/1998/nrwl8046.wp)

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The following items are dated for and released on November 20, 1998:

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**NEWS RELEASES**  
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**\*\*CABLE SERVICES ACTION - COMMISSION ADOPTS RULES ON USE OF SATELLITE DISHES AND OTHER OVER-THE-AIR RECEPTION DEVICES FOR RENTERS AND OTHERS WITH "EXCLUSIVE USE" AREAS - REPORT NO. CS 98-17 (CS DOCKET NO. 96-83).** The Commission has adopted an Order (FCC 98-273) further implementing Section 207 of the Telecommunications Act of 1996 to promote consumer

choice and competition in the video programming distribution market. Action by the Commission November 18, 1998, by Order (FCC 98-273). News Media Contact: Morgan Broman (202) 418-2358. CSB Contact: Eloise Gore or Darryl Cooper at (202) 418-7200; TTY: (202) 418-7172. Internet URL: [https://www.fcc.gov/Bureaus/Cable/News\\_Releases/1998/nrcb8023.html](https://www.fcc.gov/Bureaus/Cable/News_Releases/1998/nrcb8023.html)

OPEN PROCEEDINGS. OPA Contact: Martha Contee at (202) 418-0260; TTY: (202) 418-2555. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/Open\\_Proceedings/op981120.wp](https://www.fcc.gov/Bureaus/Miscellaneous/Open_Proceedings/op981120.wp)

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## PUBLIC NOTICES

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Released: November 20, 1998. EX PARTE PRESENTATIONS AND POST-REPLY COMMENT PERIOD FILINGS IN PERMIT-BUT-DISCLOSE PROCEEDINGS. Contact: Barbara Lowe, Office of the Secretary at 9202) 418-0310. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/Public\\_Notices/Exparte/1998/ex981120.html](https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/Exparte/1998/ex981120.html)

Released: November 20, 1998. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG - NOVEMBER 19. Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/Tariffs/combined/tt111998.pdf](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/Tariffs/combined/tt111998.pdf)

Report No: 98-60. Released: November 20, 1998. INTERNATIONAL ACTION - COMMISSION STAFF SEEKS COMMENT ON PLEADINGS FILED IN IB DOCKET NO. 98-172 - REDESIGNATION OF THE 17.7-19.7 GHZ FREQUENCY BAND. Commission staff seeks comment on a Petition For Interim Relief filed November 2, 1998, by the Fixed Point-to-Point Communications Section, Wireless Communications Division of the Telecommunications Industry Association and on an Emergency Request For Immediate Relief filed November 5, 1998, by the Independent Cable & Telecommunications Association. Comments due December 21, 1998. (DA No. 98-2344). Contact: Tom Albers at (202) 418-2145. Internet URL: [https://www.fcc.gov/Bureaus/International/Public\\_Notices/1998/da982344.wp](https://www.fcc.gov/Bureaus/International/Public_Notices/1998/da982344.wp)

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## TEXTS

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SUBURBAN CABLE TV, INC. Granted complaint filed against Suburban Cable TV, Inc.'s April 1, 1998, rate increase for cable programming services tier in Northampton, PA. Granted Operator's Petition for Further Reconsideration of DA 97-1987. Action by Associate Bureau Chief. Adopted: November 18, 1998. by Order. (DA No. 98-2339). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da982339.wp>

TIME WARNER CABLE. Denied a complaint filed against the cable programming services tier rate charged by Time Warner in the City of Sanford, FL. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: November 18, 1998. by Order. (DA No. 98-2349). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da982349.wp>

TIME WARNER CABLE. Denied a complaint filed against the cable programming services tier rate charged by Time Warner in the City of North College Hill, OH. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: November 18, 1998. by Order. (DA No. 98-2350). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da982350.wp>

TIME WARNER OF PALM SPRINGS. Denied complaint filed against Time Warner of Palm Springs' January 1, 1996, rate increase for cable programming services tier in Palm Springs, California. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: November 18, 1998. by Order. (DA No. 98-2346). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da982346.wp>

CITIZENS CENTURY CABLE TV VENTURE. Granted complaint filed against Citizens Century Cable TV Venture's May 1, 1998, rate increase for cable programming services tier in Rowland Heights, CA. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: November 19, 1998. by Order. (DA No. 98-2352). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da982352.wp>

\*\*IMPLEMENTATION OF SECTION 207 OF THE TELECOMMUNICATIONS ACT OF 1996 - RESTRICTIONS ON OVER-THE-AIR RECEPTION DEVICES. Amended the Over-the-Air-Reception Devices Rule (47 C.F.R. Section 1.4000) to include within the scope of the rule lease restrictions on antenna installation within the leasehold. Dkt No.: CS- 96-83. Action by the Commission. Adopted: October 14, 1998. by 2nd R&O. (FCC No. 98-273). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/fcc98273.pdf>

ERRATUM - CHADMOORE COMMUNICATIONS, INC/MOBEX COMMUNICATIONS, INC. Corrected footnote 11 of MO&O (FCC 98-300) in this matter, released November 16, 1998. Action by Deputy General Counsel. OGC

**ADDENDA: The following items, released November 19, 1998, did not appear in Digest No. 223:**

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### NEWS RELEASES

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INTERNATIONAL ACTION - INTERNATIONAL BUREAU REPORTS ON DEVELOPMENTS IN INTERNATIONAL TELECOMMUNICATIONS MARKETS - REPORT NO. IN 98-58. The Commission took stock of its efforts to promote competition, open markets, and private investment in the international telecommunications service market, on the one year anniversary of the implementation of the World Trade Organization Agreement on Basic Telecommunications, one of the present Commission's first accomplishments.. News Media Contact: Rosemary Kimball (202) 418-0500. IB Contact: Tracy Weisler at (202) 418-0744, Robert McDonald at (202) 418-1476. Internet URL: [https://www.fcc.gov/Bureaus/International/News\\_Releases/1998/nrin8041.wp](https://www.fcc.gov/Bureaus/International/News_Releases/1998/nrin8041.wp)

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### PUBLIC NOTICES

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Report No: 24371. Released: November 19, 1998. BROADCAST APPLICATIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Applications/ap981119.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap981119.txt)

Report No: 2307. Released: November 19, 1998. PETITIONS FOR RECONSIDERATION AND CLARIFICATION OF ACTION IN RULEMAKING PROCEEDINGS. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/Public\\_Notices/1998/pnmc8068.wp](https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/1998/pnmc8068.wp)

Report No: CWS-99-8. Released: November 19, 1998. WIRELESS TELECOMMUNICATIONS BUREAU COMMERCIAL WIRELESS INFORMATION. Internet URL: [https://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/1998/pnwl8158.wp](https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1998/pnwl8158.wp)

Released: November 19, 1998. COMMISSION TO HOST FORUM ON TOWER LIGHTING AND YEAR 2000 ISSUES ON DECEMBER 7, 1998, 2-4:30 P.M. (DA No. 98-2345). Contact: Antenna Structure/Tower Lighting Contact: Jamison Prime at (202) 418-7474. News Media Contact: Meribeth McCarrick (202) 418-0654. Internet URL: [https://www.fcc.gov/Bureaus/Miscellaneous/Public\\_Notices/1998/da982345.html](https://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/1998/da982345.html)

Released: November 19, 1998. ADDITIONAL INFORMATION REGARDING BROADBAND PCS SPECTRUM INCLUDED IN THE AUCTION SCHEDULED FOR MARCH 23, 1999 - COMMENT SOUGHT

ON AUCTION PROCEDURAL ISSUES. The Wireless Telecommunications Bureau seeks comment on procedural issues relating to the auction of the D, E, and F block licenses in Auction No. 22. Comments due November 30; replies December 7. (DA No. 98-2337). Contact: Audrey Bashkin, Bob Reagle, or Jeff Garretson, Auctions and Industry Analysis Division at (202) 418-0660. Internet URL: [https://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/1998/da982337.wp](https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1998/da982337.wp)

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TELALASKA, INC. Granted, to the extent indicated, TelAlaska a limited one-year waiver of the corporate operations expense limitation requirements of section 36.6219a)(4) of the Commission's rules. Action by Deputy Bureau Chief. Adopted: November 18, 1998. by MO&O. (DA No. 98-2336). CCB Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Orders/1998/da982336.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da982336.wp)

GTE COROPRATION, TRANSFEROR AND BELL ATLANTIC CORPORATION, TRANSFEREE. Adopted without any substantive change the protective order filed by Bell Atlantic and GTE (that was proposed in an October 8, 1998, public notice) regarding the consent for transfer of control to Bell Atlantic of licenses and authorizations controlled or requested by GTE or its affiliates or subsidiaries. Dkt No.: CC- 98-184. Action by Acting Deputy Chief. Adopted: November 19, 1998. by Order. (DA No. 98-2348). CCB

AT&T CORP. V. AMERITECH. Granted AT&T Corp.'s and Illinois Bell Telephone Company, et al., d/b/a/ Ameritech Operating Companies' motion to dismiss with prejudice AT&T's formal complaint against Ameritech alleging that Ameritech had violated Sections 201(b) and 202(a) of the Communications Act of 1934, as amended. Complaint dismissed with prejudice; terminated proceeding. Action by Deputy Chief, Formal Complaints & Investigations Branch, Enforcement Division. Adopted: November 19, 1998. by Order. (DA No. 98-2338). CCB Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Orders/1998/da982338.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da982338.wp)

\*\*FEES FOR ANCILLARY OR SUPPLEMENTARY USE OF DIGITAL TELEVISION SPECTRUM. Adopted rules that require broadcasters to pay a fee of 5% of gross revenues received from ancillary or supplementary use of the digital television spectrum for which they charge subscription fees or other specified compensation. The order implements a Congressional mandate in the Telecommunications Act of 1996. Dkt No.: MM- 97-247. Action by the Commission. Adopted: November 19, 1998. by Order. (FCC No. 98-303). MMB Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1998/fcc98303.wp](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/fcc98303.wp)

**ADDENDA: The following items, released November 18, 1998, did not appear in Digest No. 222:**

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## PUBLIC NOTICES

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Report No: 24370. Released: November 18, 1998. BROADCAST APPLICATIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Applications/ap981118.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap981118.txt)